

Date of decision: 1-5-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.K. KESHOTE, J
(1-5-1996)

ORAL JUDGMENT:

None present for the petitioner.
Mr. K. M. Patel for the respondents.

The matter was called out in the first, second and finally in the third round. Nobody appeared on behalf of the petitioner.

Learned counsel for the respondents contended that it is a case where the petitioner was given fixed term appointment and the appointment had come to an end by efflux of time. I have gone through the contents of the writ petition. The petitioner was appointed on temporary basis on 11-8-1983 as peon, and continued to work as such till 29-12-1985. The status of the petitioner remained to be a temporary employee. What he contended is that after giving break he was continued in service. He may be correct in the contention. But whether he acquired right to continue in service when admittedly the appointment was given for fixed term is the question to be considered. Appointment which has been given on temporary basis for fixed term comes to an end by efflux of time. In such cases order of termination is not required. The counsel for the respondents contended that this Court has already decided similar issue in special civil application No.225 of 1986 and other allied matters on 13-3-1996.

2. None of the legal or fundamental rights of the petitioner is infringed. I do not find any illegality in the action of the respondents which calls for interference of this Court under Article 226 of the Constitution of India.

3. In the result the writ petition fails and the same is dismissed. Rule discharged. No order as to costs.

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